

REMARKS

35 U.S.C. § 102 (Anticipation)

The Office action rejects claims 1, 4, 5, 10-12, 14-17, 19, 21 and 22 under 35 U.S.C. § 102(e) as being anticipated by U.S. 6,511,377 to Weiss (hereinafter “Weiss”). The rejections of the Office action suggest that: 1) the claimed invention does not differentiate between a virtual gaming session that is associated with the same player account as a regular gaming session, and a gaming session that is subsequent to a regular gaming session but not associated with the same player account; and 2) the claimed invention does not differentiate between a player’s virtual gaming sessions that only occur before and/or after that player’s regular gaming session, and a player’s virtual gaming sessions that may coincide with or overlap that player’s regular gaming session.

Although Applicants believe that the claims as originally presented sufficiently differentiate the claimed invention from the Weiss reference, independent claims 1 and 21 have been amended to further emphasize that the virtual gaming session and regular gaming session are associated with the same player account, and that the virtual and regular gaming sessions of a single player cannot overlap. Support for the amendments can be found explicitly in the specification in paragraphs 68-84, for example.

The method of claims 1 or 21 of the present application relates to the tracking of a player’s gaming activity during a virtual session at a gaming machine. Each claim requires a method that establishes a player account associated with at least one player, collects and transmits first activity data from a regular gaming session for that player, and collects and transmits second activity data from a virtual gaming session for that player. Claim 1 and claim 21 each also require that the method includes storing information from both the regular and

virtual gaming sessions in the same player account, where the stored information is based on the transmitted first and second activity data. The Weiss reference fails to teach or suggest such a method.

According to the definition in the specification of the present application, “[a] regular gaming session of an individual player is a period of time which begins with the insertion of the player’s player card at a single gaming machine (or gaming table or gaming area), and ends with the removal of the player’s player card at that single gaming machine (or that gaming table or gaming area).” Para. 57 (Applicants note, however, that paragraph 29 lists other examples of player identification means that are within the scope of at least claim 21). The regular gaming session thus corresponds to the entire time that the player card is inserted in the gaming machine.

The specification then describes two types of virtual gaming sessions: “a first type of virtual gaming session of an individual player is a period of time which begins after completion of the regular gaming session of the individual player[,]” while “[a] second type of virtual gaming session may occur before player card insertion where the player has inserted value, coins for example, into the gaming machine.” Para. 60. None of the examples disclosed in the specification, including the examples of Figures 3, 4A, 4B and 4C, show any overlap between the regular and virtual gaming sessions of an individual player. Applicants’ amendments to claims 1 and 21 further clarify that the virtual gaming sessions of an individual player do not overlap with the regular gaming sessions of that player. Because the regular gaming session corresponds to the entire time that a player’s card is inserted into the gaming machine, a player’s virtual gaming session cannot exist while that player’s card is inserted.

In light of the above definitions of a player’s “regular gaming session” and “virtual gaming session,” the Weiss reference fails to disclose the claimed invention. The Weiss

reference describes a real-time cashless gaming system for operating gaming machines with player cards by downloading funds from a pre-established account and crediting/debiting the account based on game play during a regular gaming session. The Weiss reference does not disclose any gaming sessions outside of an individual player's regular gaming session (i.e., outside of the time that the player's card is inserted in the machine) that generate activity data that is to be associated with that same player's account. This is a crucial difference from Applicants' invention, which focuses on the ability to track a player's gaming activity in virtual gaming sessions prior to and after the regular gaming session. See e.g., Para. 10-11.

In stating that the Weiss reference discloses a virtual gaming session, the Examiner relies on Figure 8 and the descriptions at Col. 19, lines 1-21, which together describe both a time out period that causes a regular gaming session to end, and the operation of the gaming system when a player abandons his or her card and/or credits at a gaming machine.

Regarding the time out period, Weiss states:

Other Issues

If there is no activity on the gaming machine G_N , the system 10 will detect a time out signal and automatically transfer credits on the gaming machine to the player's account.

Col. 19, lines 1-5. Weiss does not expressly state whether the time out period occurs before the player card has been inserted, while the card is inserted, or after the card has been removed. Reading the above sentence in the context of the entire Weiss specification, however, strongly suggests that the time out period occurs while the card is inserted (i.e., during the regular gaming session), because—except for a single sentence at Col. 19, lines 19-21 (see below)—the entire Weiss specification relates only to gaming system operation while a player's card is inserted. Nothing in Weiss suggests that its time out feature is intended to end a gaming session that occurs after the regular gaming session has ended, and in which activity data is collected, as is

required by each of claims 1 and 21. Instead, the time out period merely represents a mechanism for ending a regular gaming session, where any unused, un-transferred credits accrued during the regular gaming session are transferred to the player account.

Regarding abandonment of player cards and/or credits at a gaming machine, Weiss states:

Abandoned Cards

Referring to FIG. 8, when a player's card is left in the card reader 82 and no credits are on the machine G_N the card has no independent value without the associated PIN number. If a player's card is left in the machine G_N and there are credits on the credit meter 88, the player is preferably prompted to input his PIN in order to transfer the credits to the account. If another player attempts to play the machine G_N , the credits will be available for play, just as if the player had left non-account wagering system credits on the machine. However, not all account wagering system credits will be available for cashing out by the player.

In addition, if the player removes his player card without transferring credits to his account, the credits are subject to play independent of the player card.

Col. 19, lines 8-21. The first paragraph above describes a situation in which the player leaves his or her card in the gaming machine. This cannot correspond to a virtual gaming session because, as described above, a virtual gaming session of a player cannot coincide with or overlap the time period between card insertion and card removal.

The second paragraph above describes a situation in which the player removes his or her card (thus ending the regular gaming session), but fails to transfer his or her credits to his or her player account. Weiss states that the left-over credits "are subject to play independent of the player card." Col. 19, lines 20-21. Weiss neither discloses nor suggests that subsequent game play using the left-over credits is tracked by the gaming system. In particular, Weiss fails to disclose that any activity data generated while a player uses the left-over credits is collected and transmitted to the central authority, or—more importantly—that any information based on that activity data is stored in the player account of the player that had just removed his or her card.

Again, this is a crucial difference from Applicants' invention, which focuses on the ability to track the same player's gaming activity during virtual gaming sessions.

Moreover, Figure 8 shows that both the "left-over credit" and "abandoned card" scenarios of Weiss result in the same situation of having "play independent of [the player] card." The text of Weiss elaborates on the "independent" play condition at Col. 19, lines 14-16, where it states that, "[i]f another player attempts to play the machine G_N , the credits will be available for play, just as if the player had left non-account wagering system credits on the machine." (Emphasis added). This teaches away from the idea of a virtual gaming session subsequent to a player's regular gaming session, where game activity in the virtual session is tracked and stored in the player's account.

The Examiner also states that the Weiss reference, at Col. 13, lines 60-67, discloses a virtual gaming session that precedes the regular gaming session. While the Examiner only makes this argument for purposes of rejecting dependent claim 5, Applicants address the Examiner's argument because it could potentially be used to provide an alternate basis for rejecting independent claims 1 and 21.

Col. 13, lines 60-67, describes a player depositing funds to an electronic account by inserting coins or bills into a gaming machine, and refers to Figure 7. However, the insertion of bills or coins occurs during the regular gaming session, and not during a virtual gaming session. Figures 5-8 of Weiss represent a single flow chart, as indicated by the connecting letter references at the top and/or bottom of each figure. The step of applying coins or bills into the gaming machine in Figure 7 is preceded by the step of inserting a player card, as shown in Figure 6. Moreover, the player card is not yet removed at the time that the coins or bills are added, as removal of the card does not occur until the steps portrayed in Figure 8. Because the step of

inserting bills or coins occurs while the player card is inserted, it occurs during the regular gaming session, and therefore cannot constitute a virtual gaming session that precedes the regular gaming session.

Thus, claims 1, 5 and 21 are allowable over the Weiss reference. Claims 4, 10-12, 14-17, 19 and 22 are dependent from claim 1 or 21, and are thus allowable over Weiss at least for the same reason as for claim 1 or 21.

35 U.S.C. § 103 (Obviousness)

Claims 2, 3, 6-9, 13, 18, 20, 25 and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Weiss. The Examiner does not introduce any new reference to show obviousness of those claims. As discussed above, the Weiss reference does not teach or suggest a method as claimed by claim 1 or 21 of the present application. Because they depend from claim 1 or 21, claims 2, 3, 6-9, 13, 18, 20, 25 and 26 are therefore also patentable over the Weiss reference.

CONCLUSION

In view of the above amendments and remarks, Applicants respectfully request reconsideration and allowance of all pending claims 1-26. A Notice of Allowance is respectfully solicited.

The Commissioner is hereby authorized to charge the one-month extension fee and any additional fees to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,
McAndrews, Held & Malloy, Ltd.

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